



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5820

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

235 ILCS 5/5-3 from Ch. 43, par. 118
235 ILCS 5/10-1 from Ch. 43, par. 183

Amends the Liquor Control Act of 1934. Increases the fees for certain licenses and establishes different fees for licenses that are renewed online. Provides that on and after June 30, 2016, one-half of the funds received for a retailer's license shall be paid into the Dram Shop Fund and one-half of the funds received for a retailer's license shall be paid into the General Revenue Fund. Provides that any person who, without a license issued by the Illinois Liquor Control Commission, manufactures, bottles, blends, sells, barbers, transports, transfers into this State from a point outside this State, delivers, furnishes, or possesses any alcoholic liquor for beverage purposes commits a Class A misdemeanor for a first offense and a Class 4 felony for each subsequent offense. Provides that this prohibition does not prohibit the possession of alcoholic liquor for personal use or the making of beer or wine for personal use or for family or guests. Effective immediately.

LRB099 20449 RPS 44953 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 5-3 and 10-1 as follows:

6 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

7 Sec. 5-3. License fees. Except as otherwise provided
8 herein, at the time application is made to the State Commission
9 for a license of any class, the applicant shall pay to the
10 State Commission the fee hereinafter provided for the kind of
11 license applied for.

12 The fee for licenses issued by the State Commission shall
13 be as follows:

14 For a manufacturer's license:

	<u>Online</u>	<u>Initial</u>
	<u>renewal</u>	<u>license</u>
		<u>or</u>
		<u>non-online</u>
		<u>renewal</u>
21 Class 1. Distiller	<u>\$4,000</u>	<u>\$5,000</u> \$3,600
22 Class 2. Rectifier	<u>4,000</u>	<u>5,000</u> 3,600
23 Class 3. Brewer	<u>1,200</u>	<u>1,500</u> 900

1	Class 4. First-class Wine		
2	Manufacturer	<u>750</u>	<u>900</u> 600
3	Class 5. Second-class		
4	Wine Manufacturer.....	<u>1,500</u>	<u>1,750</u> 1,200
5	Class 6. First-class wine-maker	<u>750</u>	<u>900</u> 600
6	Class 7. Second-class wine-maker ..	<u>1,500</u>	<u>1,750</u> 1,200
7	Class 8. Limited Wine Manufacturer	<u>250</u>	<u>350</u> 120
8	Class 9. Craft Distiller	<u>2,000</u>	<u>2,500</u> 1,800
9	Class 10. Class 1 Brewer	<u>50</u>	<u>75</u> 25
10	Class 11. Class 2 Brewer	<u>75</u>	<u>100</u> 25
11	For a Brew Pub License	<u>1,200</u>	<u>1,500</u> 1,050
12	For a caterer retailer's license ..	<u>350</u>	<u>500</u> 200
13	For a foreign importer's license ..	<u>25</u>	25
14	For an importing distributor's		
15	license.....	<u>25</u>	25
16	<u>For a distributor's license</u>		
17	<u>(11,250,000 gallons</u>		
18	<u>or over)</u>	<u>1,450</u>	<u>2,200</u>
19	<u>For a distributor's license</u>		
20	<u>(over 4,500,000 gallons,</u>		
21	<u>but under 11,250,000 gallons) ..</u>	<u>950</u>	<u>1,450</u>
22	<u>For a distributor's license</u>		
23	<u>(4,500,000 gallons or under</u>	<u>300</u>	<u>450</u>
24	For a distributor's license		270
25	For a non-resident dealer's license		
26	(500,000 gallons or over)	<u>1,200</u>	<u>1,500</u> 270

1	For a non-resident dealer's license		
2	(under 500,000 gallons)	<u>250</u>	<u>350</u> 90
3	For a wine-maker's premises license	<u>250</u>	<u>500</u> 100
4	For a winery shipper's license		
5	(under 250,000 gallons)	<u>200</u>	<u>350</u> 150
6	For a winery shipper's license		
7	(250,000 or over, but		
8	under 500,000 gallons)	<u>750</u>	<u>1,000</u> 500
9	For a winery shipper's license		
10	(500,000 gallons or over)	<u>1,200</u>	<u>1,500</u> 1,000
11	For a wine-maker's premises license,		
12	second location	<u>500</u>	<u>1,000</u> 350
13	For a wine-maker's premises license,		
14	third location	<u>500</u>	<u>1,000</u> 350
15	For a retailer's license	<u>600</u>	<u>750</u> 500
16	For a special event retailer's		
17	license, (not-for-profit)	<u>25</u>	25
18	For a special use permit license,		
19	one day only	<u>100</u>	<u>150</u> 50
20	2 days or more	<u>150</u>	<u>250</u> 100
21	For a railroad license	<u>100</u>	<u>150</u> 60
22	For a boat license	<u>500</u>	<u>1,000</u> 180
23	For an airplane license, times the		
24	licensee's maximum number of		
25	aircraft in flight, serving		
26	liquor over the State at any		

1	given time, which either		
2	originate, terminate, or make		
3	an intermediate stop in		
4	the State	<u>100</u>	<u>150</u> 60
5	For a non-beverage user's license:		
6	Class 1	<u>24</u>	24
7	Class 2	<u>60</u>	60
8	Class 3	<u>120</u>	120
9	Class 4	<u>240</u>	240
10	Class 5	<u>600</u>	600
11	For a broker's license	<u>750</u>	<u>1,000</u> 600
12	For an auction liquor license	<u>100</u>	<u>150</u> 50
13	For a homebrewer special		
14	event permit	<u>25</u>	25
15	<u>For a BASSET trainer license</u>	<u>300</u>	<u>350</u>
16	<u>For a tasting representative</u>		
17	<u>license.....</u>	<u>200</u>	<u>300</u>

18 Fees collected under this Section shall be paid into the
 19 Dram Shop Fund. On and after July 1, 2003 and until June 30,
 20 2016, of the funds received for a retailer's license, in
 21 addition to the first \$175, an additional \$75 shall be paid
 22 into the Dram Shop Fund, and \$250 shall be paid into the
 23 General Revenue Fund. On and after June 30, 2016, one-half of
 24 the funds received for a retailer's license shall be paid into
 25 the Dram Shop Fund and one-half of the funds received for a
 26 retailer's license shall be paid into the General Revenue Fund.

1 Beginning June 30, 1990 and on June 30 of each subsequent year
2 through June 29, 2003, any balance over \$5,000,000 remaining in
3 the Dram Shop Fund shall be credited to State liquor licensees
4 and applied against their fees for State liquor licenses for
5 the following year. The amount credited to each licensee shall
6 be a proportion of the balance in the Dram Fund that is the
7 same as the proportion of the license fee paid by the licensee
8 under this Section for the period in which the balance was
9 accumulated to the aggregate fees paid by all licensees during
10 that period.

11 No fee shall be paid for licenses issued by the State
12 Commission to the following non-beverage users:

13 (a) Hospitals, sanitariums, or clinics when their use
14 of alcoholic liquor is exclusively medicinal, mechanical
15 or scientific.

16 (b) Universities, colleges of learning or schools when
17 their use of alcoholic liquor is exclusively medicinal,
18 mechanical or scientific.

19 (c) Laboratories when their use is exclusively for the
20 purpose of scientific research.

21 (Source: P.A. 98-55, eff. 7-5-13; 99-448, eff. 8-24-15.)

22 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

23 Sec. 10-1. Violations; penalties. Whereas a substantial
24 threat to the sound and careful control, regulation, and
25 taxation of the manufacture, sale, and distribution of

1 alcoholic liquors exists by virtue of individuals who
2 manufacture, import, distribute, or sell alcoholic liquors
3 within the State without having first obtained a valid license
4 to do so, and whereas such threat is especially serious along
5 the borders of this State, and whereas such threat requires
6 immediate correction by this Act, by active investigation and
7 prosecution by law enforcement officials and prosecutors, and
8 by prompt and strict enforcement through the courts of this
9 State to punish violators and to deter such conduct in the
10 future:

11 (a) Any person who, without a license issued by the State
12 Commission, manufactures, bottles, blends, sells, barbers,
13 transports, transfers into this State from a point outside this
14 State, delivers, furnishes, or possesses any alcoholic liquor
15 for beverage purposes commits a Class A misdemeanor for a first
16 offense and a Class 4 felony for each subsequent offense. This
17 Section does not prohibit the possession of alcoholic liquor
18 for personal use. This Section does not prevent the making of
19 beer or wine by simple fermentation and without distillation
20 for the personal use of the possessor or his or her family or
21 guests. Any person who manufactures, imports for distribution
22 or use, or distributes or sells alcoholic liquor at any place
23 within the State without having first obtained a valid license
24 to do so under the provisions of this Act shall be guilty of a
25 business offense and fined not more than \$1,000 for the first
26 such offense and shall be guilty of a Class 4 felony for each

1 ~~subsequent offense.~~

2 (b) (1) Any retailer, licensed in this State, who knowingly
3 causes to furnish, give, sell, or otherwise being within the
4 State, any alcoholic liquor destined to be used, distributed,
5 consumed or sold in another state, unless such alcoholic liquor
6 was received in this State by a duly licensed distributor, or
7 importing distributors shall have his license suspended for 7
8 days for the first offense and for the second offense, shall
9 have his license revoked by the Commission.

10 (2) In the event the Commission receives a certified copy
11 of a final order from a foreign jurisdiction that an Illinois
12 retail licensee has been found to have violated that foreign
13 jurisdiction's laws, rules, or regulations concerning the
14 importation of alcoholic liquor into that foreign
15 jurisdiction, the violation may be grounds for the Commission
16 to revoke, suspend, or refuse to issue or renew a license, to
17 impose a fine, or to take any additional action provided by
18 this Act with respect to the Illinois retail license or
19 licensee. Any such action on the part of the Commission shall
20 be in accordance with this Act and implementing rules.

21 For the purposes of paragraph (2): (i) "foreign
22 jurisdiction" means a state, territory, or possession of the
23 United States, the District of Columbia, or the Commonwealth of
24 Puerto Rico, and (ii) "final order" means an order or judgment
25 of a court or administrative body that determines the rights of
26 the parties respecting the subject matter of the proceeding,

1 that remains in full force and effect, and from which no appeal
2 can be taken.

3 (c) Any person who shall make any false statement or
4 otherwise violates any of the provisions of this Act in
5 obtaining any license hereunder, or who having obtained a
6 license hereunder shall violate any of the provisions of this
7 Act with respect to the manufacture, possession, distribution
8 or sale of alcoholic liquor, or with respect to the maintenance
9 of the licensed premises, or shall violate any other provision
10 of this Act, shall for a first offense be guilty of a petty
11 offense and fined not more than \$500, and for a second or
12 subsequent offense shall be guilty of a Class B misdemeanor.

13 (c-5) Any owner of an establishment that serves alcohol on
14 its premises, if more than 50% of the establishment's gross
15 receipts within the prior 3 months is from the sale of alcohol,
16 who knowingly fails to prohibit concealed firearms on its
17 premises or who knowingly makes a false statement or record to
18 avoid the prohibition of concealed firearms on its premises
19 under the Firearm Concealed Carry Act shall be guilty of a
20 business offense with a fine up to \$5,000.

21 (d) Each day any person engages in business as a
22 manufacturer, foreign importer, importing distributor,
23 distributor or retailer in violation of the provisions of this
24 Act shall constitute a separate offense.

25 (e) Any person, under the age of 21 years who, for the
26 purpose of buying, accepting or receiving alcoholic liquor from

1 a licensee, represents that he is 21 years of age or over shall
2 be guilty of a Class A misdemeanor.

3 (f) In addition to the penalties herein provided, any
4 person licensed as a wine-maker in either class who
5 manufactures more wine than authorized by his license shall be
6 guilty of a business offense and shall be fined \$1 for each
7 gallon so manufactured.

8 (g) A person shall be exempt from prosecution for a
9 violation of this Act if he is a peace officer in the
10 enforcement of the criminal laws and such activity is approved
11 in writing by one of the following:

12 (1) In all counties, the respective State's Attorney;

13 (2) The Director of State Police under Section 2605-10,
14 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
15 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
16 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
17 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
18 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
19 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
20 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
21 Department of State Police Law (20 ILCS 2605/2605-10,
22 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
23 2605/2605-110, 2605/2605-115, 2605/2605-120,
24 2605/2605-130, 2605/2605-140, 2605/2605-190,
25 2605/2605-200, 2605/2605-205, 2605/2605-210,
26 2605/2605-215, 2605/2605-250, 2605/2605-275,

1 2605/2605-300, 2605/2605-305, 2605/2605-315,
2 2605/2605-325, 2605/2605-335, 2605/2605-340,
3 2605/2605-350, 2605/2605-355, 2605/2605-360,
4 2605/2605-365, 2605/2605-375, 2605/2605-390,
5 2605/2605-400, 2605/2605-405, 2605/2605-420,
6 2605/2605-430, 2605/2605-435, 2605/2605-500,
7 2605/2605-525, or 2605/2605-550); or

8 (3) In cities over 1,000,000, the Superintendent of
9 Police.

10 (Source: P.A. 98-63, eff. 7-9-13.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.